

**North Carolina Instructions  
for Local and Regional  
Workforce Development Area Plans**

**Workforce Innovation and Opportunity Act**

**Title I**

**PY 2017 Plan Update  
July 1, 2017 – June 30, 2018**

*North Carolina Department of  
Commerce  
Division of Workforce Solutions  
4316 Mail Service Center  
313 Chapanoke Road, Suite 120  
Raleigh, NC 27699-4316*

## Instructions

### Introduction

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the local chief elected official, to the state a comprehensive four-year plan, which was submitted in May, 2016. Annually, each WDB will provide updates to the four-year plan. The WIOA Program Year (PY) 2017 Plan will provide current information and be effective July 1, 2017 - June 30, 2018. The Comprehensive Four-Year Plan (PY 2016) should be maintained and updated, as appropriate.

### Federal and State Requirements for Local Administration of the Workforce Innovation and Opportunity Act

Local Workforce Development Boards should reference the Workforce Innovation and Opportunity Act, Public Law 113-128, enacted July 22, 2014. Additional information is available at the U.S. Department of Labor Employment and Training Administration website: [www.doleta.gov](http://www.doleta.gov)

North Carolina policy information is available at <http://www.nccommerce.com/workforce/workforce-professionals/policy-statements>. Local Workforce Development Boards may reference the North Carolina WIOA Unified State Plan. Helpful Appendices have been provided as references for use in this document.

### Plan Submission and Due Date

The Local Plan must be submitted through Workforce Information System Enterprise. ***The due date is April 28, 2017.*** Each attachment should be submitted separately. Forms requiring original signatures may be mailed to the assigned Planner at: N.C. Division of Workforce Solutions, 313 Chapanoke Road, Suite 120, 4316 Mail Services Center, Raleigh, NC 27699-4316.

## **A. Local Area Overview**

*The Local Area Overview provides important contact information that is used throughout the Division. It is important this section remain current. Updates should be submitted to the Division Planner when changes occur, especially to contact names and addresses in questions Section A 1-10.*

1. Provide the Local Area's official (legal) name as it appears on the local Consortium Agreement established to administer the Workforce Innovation and Opportunity Act (WIOA) or, if not a Consortium, in the formal request for Local Area designation. If the Local Area is a Consortium, attach a copy of the current Consortium Agreement. Name document: Local Area Name Consortium Agreement.

**See the attached Durham Consortium Agreement.**

2. Provide the name, title, organization name, address, telephone number and e-mail address of the Workforce Development Director.

**Esther Coleman, Executive Director**  
**Durham Workforce Development Board**  
**807 E. Main Street Suite 5-100**  
**Durham, NC 27701**  
**(919) 560-4965**  
[esther.coleman@durhamnc.gov](mailto:esther.coleman@durhamnc.gov)

3. Provide the name, elected title, local government affiliation, address, telephone number and e-mail address of the Local Area's Chief Elected Official.

**William V. ("Bill") Bell, Mayor**  
**City of Durham**  
**101 City Hall Plaza**  
**Durham, NC 27701**  
**(919) 560-4333**  
[william.bell@durhamnc.gov](mailto:william.bell@durhamnc.gov)

4. Provide the name, title, business name, address, telephone number and e-mail address of the individual authorized to receive official mail for the Chief Elected Official, if different than question 3.

**Evelyn Wright-Corbett, Administrative Assistant**  
**Mayor's Office**  
**City of Durham**  
**101 City Hall Plaza**  
**Durham, NC 27701**  
**(919) 560-4965 ext. 12259**  
[evelyn.wright-corbett@durhamnc.gov](mailto:evelyn.wright-corbett@durhamnc.gov)

5. Provide the name, address, telephone number of the Administrative/Fiscal Agent responsible for disbursing Local Area WIOA grant funds. This is the entity responsible for the disbursal of grant funds. [WIOA Sections 107(d)(12)(B)(i)(III) and 108(b)(15)].

**City of Durham**  
**807 E. Main Street Suite 5-100**  
**Durham, NC 27701**  
**(919) 560-4965**

6. Provide the name, title, organization name, address, telephone number and e-mail address of the Administrative/Fiscal Agent's signatory official.

**Thomas J. Bonfield, City Manager**  
**City of Durham**  
**101 City Hall Plaza**  
**Durham, NC 27701**  
**(919) 560-4222**  
[thomas.bonfield@durhamnc.gov](mailto:thomas.bonfield@durhamnc.gov)

7. Attach a copy of the Administrative Entity/Fiscal Agent's organizational chart with an 'effective as of date'. Name document: Administrative Entity Name Organizational Chart.

**See the attached Administrative Entity Organizational Chart.**

8. Provide the Administrative Entity's Data Universal Numbering System (DUNS) number and assurance that the 'System for Award Management' (SAM) status is current. Administrative Entities must register at least annually on the SAM website (<https://www.sam.gov/portal/SAM/##11>) to receive Federal funding [required by Federal Acquisition Regulation (FAR) Section 4.11 and Section 52.204-7].

**DUNS: 0755666950000**  
**CCR: 3YRE9**

*Composition of the local Workforce Development Boards shall comply with WIOA Section 107. Local Workforce Development Board Membership Requirements have been provided as reference at [Appendix A](#).*

9. Provide the Workforce Development Board member's name, business title, business name and address, telephone number and e-mail address. The first block is reserved to identify the Board chairperson. Indicate all required representation and indicate if vacant. [WIOA Section 107(b)(2)]. Name document: Local Area Name WDB List. See [Appendix A](#) for Local Area Workforce Development Boards membership requirements.

**Note:** Check the block on provided form certifying compliance with required WIOA local Workforce Development Board business nomination process.

\* Use and identify categories as indicated on the form. Do not change required category names.

**See the attached Durham Local Area WDB List.**

10. Attach the Workforce Development Board By-laws including date adopted/amended. Name document: Local Area Name WDB By-laws.

*Sunshine Provision - The Local Board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the Local Board, including information regarding the Local Plan prior to submission of the Plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the Local Board. [WIOA Section 107(e)]*

**See the attached Durham Local Area WDB By-laws.**

11. Describe how the Workforce Development Board meets the Sunshine Provision.

*Public Comment - The Workforce Development Board shall make copies of the proposed Local Plan available to the public through electronic and other means, such as public hearings and local news media; allow for public comment not later than the end of the 30 day period beginning on the date the proposed plan is made available; and, include with submission of the Local Plan any comments that represent disagreement with the Plan. [WIOA Section 108(d)]*

**Public Comment - The workforce development board posts the proposed Local Plan for public access on the City of Durham Office of Economic and Workforce Development Board website, and a paper copy will be available in City Hall. The public may make comments for a 30-day period beginning on the date the proposed plan is made available. Any comments in disagreement will be submitted to the Division of Workforce Solutions. [WIOA Section 108(d)]**

12. Describe how the Workforce Development board will make copies of the proposed Local Plan available to the public. [WIOA Section 108(d)]

**The Durham Workforce Development Board will make the proposed Local Plan available to the public on its website. Additionally, a paper copy of the plan will be available in City Hall along with comment cards for access to people without computer access. The DWDB will receive public comment through the end of the 30-day period beginning on the date the proposed plan is made available and will submit any comments that represent disagreement with the Plan. If comments**

**come in after the Plan is submitted that represent disagreement with the Plan, we will make an administrative adjustment.**

13. Attach a copy of the Local Workforce Development Board's organizational chart with an 'effective as of date.' Include position titles. Name document: Local WDB Name Organizational Chart.

**See the attached Durham Local Area WDB Organizational Chart.**

14. Attach a copy of the Local Workforce Development Board's planned meeting schedule to include time, dates and location. Name document: Local Area Name Board Meeting schedule.

**See the attached Durham Board Meeting schedule.**

15. Attach a copy of the signed 'Certification Regarding Debarment, Suspension, and other Responsibility Matters – Primary Covered Transactions' (form provided). [Required by the Regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, participants' responsibilities.] Name document: Local Area Name Debarment Form.

**See the attached Durham Local Area Debarment Form. A hard copy is mailed.**

**Note:** Document must bear the original signature of the Administrative Entity signatory official. Mail the signed [Certification form](#) original to Division Planner.

16. Submit the original Workforce Development Board and Chief Elected Official (CEO) Signatory Page (form provided), bearing the original signatures of the Chief Elected Official(s) and the Workforce Development Board Chairman, and attach a copy of the signed document. Name document: Local Area Name Signatory Page.

**Note:** Mail the signed original [Signatory Form](#) to Division Planner.

**See the attached Durham Local Area Signatory Page. A hard copy is mailed.**

## **B. NCWorks Career Centers**

1. Attach the Memorandum of Understanding (MOU) among the local Workforce Development Board and partners concerning operation of the local NCWorks Career Center system. (A MOU guide is attached for your reference as [Appendix B](#). [WIOA Section 121(b)(A (iii)]. Name document: Local Area Name NCWorks Career Center MOU.

**See the attached Durham NCWorks Career Center MOU.**

2. Identify NCWorks Career Center location(s) including Tier 1, Tier 2 affiliate, and specialized sites; on-site partners; how NCWorks Career Center operator(s) are designated; provider(s) of WIOA career services and method of selection; whether youth services provider is on-site and, if so, youth services offered. Use the NCWorks [Career Center Chart](#). [WIOA Section 121(b)(1)(A) and (b)(1)(B)] Name document: Local Area Name Career Centers.

**See the attached Durham Local Area NCWorks Career Center System.**

3. Provide the date and process for when the competitive procurement of the One-Stop Operator(s) occurred. Include the expected length of the contract (one-four years). **Note:** By June 30, 2017, every Local Board must select One-Stop Operator(s) through competitive process. [WIOA Regulations 678.605, TEGL 15-16].

**The procurement process occurred beginning February 2, 2016, and ending on Monday, June 20, 2016, when City Council approved the One-Stop Operator contract. The procurement policy of the Durham Workforce Development Board (DWDB) requires that contracts over \$10,000 must be awarded through a competitive process (Reference: The Durham Local Area Guidance Letter No: 01-2009/Procurement Policy). The contract was awarded for one year with a renewal option for up to two additional years. The process included the following steps:**

- 1) **The Request for Proposals was released for the One-Stop Operator on February 2, 2016. The announcement was posted on the City of Durham's website, an email was sent to interested parties on the WDB bidder's list, and an ad was run in local newspapers. A timeline was established for the entire RFP process that outlined the dates and times for the staff to review the timeline; for the review committee to review the RFP; for the WDB to vote to approve the selection and approve entering into contract negotiations; for the contract to be negotiated; and for City Council to approve the contract. The contract was approved by City Council, and the start date was July 1, 2016.**
- 2) **A Bidders' Conference was held after the release of the RFP. Questions, other than those asked at the Bidders' Conference, were submitted in writing (by e-mail or fax), and responses were generally provided within 2 business days. Questions and answers were also posted on the DWDB website.**

**Historically, the contract is initiated for one year, and the WDB may extend the contract annually for two years based on the provider's performance. This contract was for one year renewable for the following year based on performance.**

**See the attached Durham ADW/One-Stop Operator & Youth Program Service Providers RFP Timeline.**

## C. WIOA Title I Programs

### i. Adult and Dislocated Worker Services

1. Provide the date and process for the competitive procurement of the Adult and Dislocated Worker Programs that ensures an arm's-length relationship between the Workforce Development Board and service delivery. Identify any service provider contract extensions.

**Note:** While Final Regulations Section 679.410 (b) and (c) provide exceptions to the competitive procurement process, WDBs *must* have an arm's-length relationship to the delivery of services.

**A Request for Proposals was released for the One-Stop Operator and Adult and Dislocated Worker Services Provider combined on February 2, 2016. The announcement was posted on the City of Durham's website, an email was sent to interested parties on the WDB bidder's list, and an ad was run in local newspapers. A timeline was established for the entire RFP process that outlined the dates and times for the staff to review the timeline; for the review committee to review the RFP; for the WDB to vote to approve the selection and approve entering into contract negotiations; for the contract to be negotiated; and for City Council to approve the contract. The contract was approved by City Council, and the start date was July 1, 2016.**

**See the attached Durham ADW/One-Stop Operator & Youth Program Service Providers RFP Timeline.**

2. Attach the Local Workforce Development Board's Adult and Dislocated Worker (DW) service providers chart effective July 1, 2017 using the [Adult/Dislocated Worker Service Provider List](#) provided. Name document: Local Area Name Adult and DW Providers 2017.

**See the attached Durham Adult and DW Providers 2017.**

3. Describe how and when eligible training providers are reviewed at the local level and how customers are informed they have choices in choosing their providers. Define what "significant number of competent providers" means in the local area. Include whether the local Workforce Development Board uses more strict performance measures to evaluate eligible training providers. Attach if a separate policy. Name document: Local Area Name Eligible Training Providers. [Division Policy Statement 21-2015]

**Currently training providers submit an application to the Adult and Dislocated Worker Program Manager. The application is reviewed by staff and shared with a committee that, in turn, reviews and scores applications for consideration of funding. The committee considers program completion rates, the percentage of completers that have obtained unsubsidized employment, retention rates of those**



who entered unsubsidized employment among other items. This process is necessary to ensure that a significant number of competent providers offering training programs and occupational choices are available to customers.

The DWDB defines “significant number of competent providers” in the local area as training providers located in Durham and surrounding areas that have met the requirements established to be included on the Eligible Training Provider List.

The Durham NCWorks Career Center, through guidance from the Durham Workforce Development Board, will continue to support WIOA customer training through Individual Training Accounts in accordance with the law and applicable local policies. Eligible program participants who seek training services may, in consultation with Career Center staff, select a training vendor from the list of providers approved through the aforementioned process. Upon selection, in accordance with local policies and available funding, staff will refer the participant to the eligible provider and arrange for payment through an individual training account.

4. Establish and attach the local area written policy AND procedures for implementation to ensure priority of service for populations described in the WIOA Adult programs for both veterans and low income individuals. Attach the document and name document: Local Area Name Priority of Service Policy.

**Note:** The policy and procedures must include specific details as outlined in USDOL TEGL 19-16, pages 6-8. Local Workforce Development Boards should also reference USDOL TEGL 10-09, TEN 15-10 and Policy Statement 03-2017 when developing the policy and procedures.

*Veterans and eligible spouses continue to receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:*

- i. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.*
- ii. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.*
- iii. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.*
- iv. Last, to non-covered persons outside the groups given priority under WIOA.*

*Priority for services does not preclude service to individuals who are not low-income or not receiving public assistance or not a veteran, but rather establishes the order of precedence for service as provided at WIOA and section 134(b)(3)(E).*

**See the attached Durham Priority of Service Policy.**

5. What strategies are in place to ensure Local Workforce Boards meet or exceed PY2018 Adult and Dislocated Worker Performance Measures?

**Meetings will be held with Contractor staff and the WDB staff to discuss the WIOA performance measures and provide technical assistance on an ongoing basis. In addition, reports will be run in NCWorks on a quarterly basis to identify the participants in each performance pool and to analyze the data for maximization. Once those in the performance pools are identified, contractor staff will be tasked with ensuring the outcomes data is keyed and scanned into NCWorks online. The Adult Program Coordinator will be reviewing this data during the time the reports are pulled from NCWorks online.**

6. Provide the Workforce Development Board's approach to providing work experience to Adult and Dislocated Workers. If work experience is provided, attach the local work experience policy. Name document: Local Area Name Adult/Dislocated Worker Work Experience Policy.

**During PY 2017, the Durham Local Area will not be providing work experience to Adults and Dislocated Workers.**

7. Describe follow-up services provided to Adults and Dislocated Worker.

*Per Training and Employment Guidance Letter (TEGL) 19-16 and Section 134(C)(2)(A), funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—...(xiii) follow up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.*

**Follow-up services are provided as appropriate for Adults and Dislocated Workers who have entered unsubsidized employment. These services are available for 12 months after the first day of employment and include counseling regarding the workplace or assistance with obtaining new employment through job search, resume assistance, etc.**

**The goal of follow-up services is to ensure job retention, wage gains, and career progress. Follow-up services should provide personalized encouragement, resolution of any on-the-job issues that may arise, and, when appropriate, referral to services necessary to help prevent job loss or to enter employment. Follow-up can be provided by phone, email, and/or face-to-face.**

## ii. Youth Services

1. Will the Workforce Development Board have a standing committee to provide information and to assist with planning, operational and other issues relating to the provision of services to youth? [WIOA Section 107(b)(4)(A)(ii)]

If no, describe how oversight to planning, operational and other issues relating to the provision of services to youth will be provided.

If yes, please provide a response to the following questions.

- a) Provide the committee's purpose/vision.
- b) Attach the planned Program Year meeting schedule. Name document: Local Area Name Youth Committee Meeting Schedule.
- c) Attach the list of members to include members' agency/organization, one of which must be a community-based organization with a demonstrated record of success in serving eligible youth. Provide the Committee's Chair information in the first block (who must be a Workforce Development Board member.) Name document: Local Area Name Youth Committee Members.  
[WIOA Section 107(b)(4)(A)(ii)]

**Yes, the Durham Workforce Development Board has a standing committee, i.e., Youth Council, that assists with planning and other matters relating to the provision of services to youth. [WIOA Section 107(b)(4)(A)(ii)]**

2. Provide the date and process for when the competitive procurement of the Youth Programs were completed, to include any contract extensions.

**A Request for Proposals (RFP) was released for the Youth Program Elements and the Youth Framework Program on February 2, 2016. The announcement was posted on the City of Durham's website, an email was sent to interested parties on the WDB bidder's list, and an ad was run in local newspapers. A timeline was established for the entire RFP process that outlined the dates and times for the staff to review the timeline; for the review committee to review the RFP; for the WDB to vote to approve the selection and approve entering into contract negotiations; for the contract to be negotiated; and for City Council to approve the contract. The contract was approved by City Council, and the start date was July 1, 2016.**

**See the attached Durham ADW/One-Stop Operator & Youth Program Service Providers RFP Timeline.**

3. Attach the Local Workforce Development Board Youth service provider's chart, effective July 1, 2017, using the provided [Youth Service Provider List](#). Complete each column to include specifying where Youth Services are provided. Name the document: Local Area Name Youth Providers 2017.

**See the attached Durham Youth Providers 2017.**

4. What strategies are in place to ensure Local Workforce Boards meet or exceed PY2018 Youth Performance Measures?

**The Local Area will monitor each youth performance measure on a quarterly basis to ensure that the Youth Performance Measures are met and/or exceeded. During the quarterly monitoring, the Local Area will evaluate each performance measure to determine progress toward the outlined goals. If and/or when not meeting/exceeding is predicted, the Local Area will identify the reasons for non-performance and provide technical assistance to the contractor in order to meet/exceed the performance measures. Subject matter experts may also be identified to facilitate technical assistance, when needed.**

5. Specify if the Local Workforce Development Board plans to offer incentives for youth. If yes, attach the Youth Incentive Policy to include: a) criteria to be used to award incentives; b) type(s) of incentive awards to be made available; c) whether WIOA funds will be used and d) the Local Workforce Development Board has internal controls to safeguard cash/gift cards. Name document: Local Area Name Youth Incentive Policy.

**Note:** Federal funds may not be spent on entertainment costs.

**See the attached Durham Youth Incentive Policy.**

6. Provide the Workforce Development Board's approach to providing work experience to Youth. If work experience is provided, attach the local work experience policy. Name document: Local Area Name Youth Work Experience Policy.

**Work Experiences (WEXs) are offered by the Durham Local area to identify a career path chosen through Career Scope software assessment and LTE career exploration. The assessment seeks to determine whether or not the youth will pursue a given field academically or permanently after completion of the WEX. The Local Area plans to provide year-round work experience for any youth who meets, or who is on target to meet, program goals set in the Individual Service Strategy (ISS).**

**See the attached Durham Youth Work Experience Policy.**

## **PY 2017 Local Area Plan Instructions Attachment Checklist**

- X Signed copy of Consortium Agreement (if applicable)
- X Administrative Entity Organizational Chart
- X Workforce Development Board List (form *provided*)
- X Workforce Development Board By-laws
- X Local Area Organizational Chart
- X Local Area Certification Regarding Debarment \* (form *provided*)
- X Local Area Signatory Form\* (form *provided*)
- X One-Stop Memorandum of Understanding (guide *provided*)
- X Local Area NCWorks Career Center System (form *provided*)
- X Local Area Adult and Dislocated Worker Services Providers (form *provided*)
- X Local Area Priority of Service Policy
- ☐ ~~Local Area Adult/ Dislocated Worker Work Experience Policy (optional)~~
- ☐ ~~Local Area Youth Committee Meeting Schedule (optional)~~
- ☐ ~~Local Area Youth Committee Members (optional)~~
- X Local Area Youth Services Providers (form *provided*)
- X Local Area Youth Incentive Policy (optional)
- X Local Area Youth Work Experience Policy (optional)

\*Mail signed and unfolded *originals* to assigned Division Planner at N.C. Division of Workforce Solutions at:

313 Chapanoke Road, Suite 120, 4316 Mail Services Center, Raleigh, NC 27699-4316.

## **Appendices**

Local Workforce Development Board Membership Requirements

[A](#)

Sample Memorandum of Understanding Guide

[B](#)

NC General Statute 14-234

[C](#)

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's Responsibilities.

**(BEFORE COMPLETING THIS CERTIFICATION, READ THE INSTRUCTIONS ON THE FOLLOWING PAGE WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)**

- 1) The prospective primary participant certifies, to the best of its knowledge and belief, that it and its principals:
  - a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
  - b) have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d) have not within a three-year period preceding this certification had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this
- 3) certification, such prospective participant shall attach an explanation to this proposal.

William V. "Bill" Bell

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Printed Name and Title of Authorized Administrative Entity Signatory Official

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Signature

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Date

## **INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting the certification signature page with this proposal, the prospective primary participant is providing the certification set out above.
2. The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out above. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participants, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, Subpart 9.4, debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "A Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not proposed for debarment under 48 CFR Part 9, Subpart 9.4, debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-Procurement programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, Subpart 9.4, suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.



**[Local Area Name] WIOA Board List  
(Effective DATE HERE)**

	<b>Category</b>	<b>Category Justification</b>	<b>Name and Business Title</b>	<b>Business Name and Address</b>	<b>Phone Number Email Address</b>	<b>Term</b>
1.	Business, Chair <i>(Can be one of the required small business seats.)</i>					
2.	Business					
3.	Business					
4.	Business					
5.	Business					
6.	Business					
7.	Business					
8.	Business					

**[Local Area Name] WIOA Board List  
(Effective DATE HERE)**

	<b>Category</b>	<b>Category Justification</b>	<b>Name and Business Title</b>	<b>Business Name and Address</b>	<b>Phone Number Email Address</b>	<b>Term</b>
9.	Small Business					
10.	Small Business					
11.	Labor Organization, or where none exists, other representative of employees <i>(provide organization affiliation)</i>					
12.	Labor Organization, or where none exists, other representative of employees <i>(provide organization affiliation)</i>					
13.	Joint Labor- Management, or union affiliated, registered apprenticeship program. Or where none exists, representative of registered apprenticeship program <i>(provide representative's affiliation)</i>					

**[Local Area Name] WIOA Board List  
(Effective DATE HERE)**

	<b>Category</b>	<b>Category Justification</b>	<b>Name and Business Title</b>	<b>Business Name and Address</b>	<b>Phone Number Email Address</b>	<b>Term</b>
14.	Labor <i>or</i> Apprenticeship <i>or</i> Community Based Organization <i>or</i> organizations addressing needs of eligible youth  <i>(Identify choice of category represented)</i>					
15.	Adult Education and Literacy eligible under WIOA Title II					
16.	Higher Education					
17.	Vocational Rehabilitation Program					
18.	Economic Development					

**[Local Area Name] WIOA Board List  
(Effective DATE HERE)**

	<b>Category</b>	<b>Category Justification</b>	<b>Name and Business Title</b>	<b>Business Name and Address</b>	<b>Phone Number Email Address</b>	<b>Term</b>
19.	Wagner-Peyser Act					

**Notes:**

- In obtaining nominations and making appointments, follow Workforce Innovation and Opportunity Act Section 107(b)(2) and US Department of Labor Training and Employment Guidance Letter (TEGL) 27-14.

- \*If Local Workforce Development Board Area has more than 19 total members: 1) add lines to chart and complete all columns for additional members; 2) ensure required percentages are still met.

- Use form provided and identify categories as indicated on the form. Do not change required category names.

- ☐ **By submission of this form, the Workforce Development Board certifies its compliance with the appointment and nomination process of business representatives from among local business organizations and business trade associations. [WIOA Section 107(b)(2)(A)]**

# Workforce Innovation and Opportunity Act of 2014

## Program Year 2017 Local Plan Signatory Page for

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### Local Workforce Development Area Name

We affirm that the Local Area Workforce Development Board (WDB) and the Chief Elected Official(s) of the Local Area, in partnership, have developed and now submit this comprehensive, strategic Regional and Local Area Plan in compliance with the provisions of the Workforce Innovation and Opportunity Act of 2014 and instructions issued by the Governor under authority of the Act.

April 28, 2017  
Submission Date

Workforce Development Board Chair

Chief Elected Official

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Typed or Printed Name

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Typed or Printed Name

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Typed or Printed Title

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Typed or Printed Title

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Signature

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Signature

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Date

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Date

## [Local Area Name] NCWorks Career Center System

(Reflects Local Area Structure as of July 1, 2017)

A. One-Stop Location(s) (Address and Hours)	*B. Tier 1 or Tier 2 Specialized or Affiliate	C. On-site Partners	**D. Career Center Operator and Method of Selection	E. Provider(s) of WIOA Career Services and Method of Selection	F. Provider(s) and Type of On-site Youth Services	G. Additional Partners
NCWorks Career Center-Briggs 1105 South Briggs Avenue Durham, NC 27703 Mon-Thurs 8:30a-5:00p Fri 8:30a-1:00p	Tier 1	*Division of Workforce Solutions *Educational Data Solutions, Inc. *Division of Vocational Rehabilitation *Durham Technical Community College *Durham County Department of Social Services *City of Durham *JobCorps *National Caucus and Center on Black Aged, Inc.	*Educational Data Solutions, Inc. Competitive Procurement	*Educational Data Solutions, Inc. Competitive Procurement	*Community Partnerships, Inc. Case Management, Recruitment	*Durham County Library *Durham Housing Authority *Durham Literacy Council *CAARE, Inc. *StepUp

\*Type of Center Designation:

- Tier 1 (T1)
- Tier 2 (T2)
- Specialized (S)
- Affiliates (A) – At locations where A, DW and WP services are provided

\*\*Method of Selection:

- Competitive Procurement
- Sole Source
- Contract Extended

## PY 2017 WIOA Local Adult & Dislocated Worker Service Providers List

WIOA Adult/Dislocated Worker Activity Provider  (Organization Name, Address and Telephone Number)	Contact Person (Name, Title and E-mail Address)	County/Counties Served and where services are provide**  (One-Stop, Office, Both)	Type of Organization  (State Agency, For-profit, Non-profit, other-specify)	Type of Contract  (Cost Reimbursement, Fixed Price, Performance Based, Hybrid, other-specify)
Educational Data Systems, Inc. 15300 Commerce Drive North, Suite 200 Dearborn, MI 48120 (313) 271-2660	Anthony Rogers, Manager, arogers@edsolutions.com	Durham	For-Profit	Cost Reimbursement

\*Must be updated at two-year review.

### PY 2017 WIOA Local Youth Service Providers List

WIOA Youth Activity Provider (Name, Address and Telephone Number)	Contact Person (Name, Title and E-mail Address)	County/Counties Served and where services are provided** (One-Stop, Office, Both)	Type of Organization (State Agency, For-profit, Non-profit, other-specify)	Type of Contract (Cost Reimbursement, Fixed Price, Performance Based, Hybrid, other-specify)
Achievement Academy of Durham 2614 Crest St Durham, NC 27705 (919) 956-8918	Nancy Cox, ncox@achievedurham.org	Durham	Non-Profit	Cost Reimbursement
Community Partnership Inc. 400 W. Main St. Suite 604 Durham NC 27701 (919) 402-9400 ext. 420	Coolidge Taylor, ctaylor@communitypartnerships.org	Durham	Non-Profit	Cost Reimbursement

\*Must be updated at two-year review.

\*\*Note where Youth Services are provided: at the One-Stop Centers, the Office location provided, combination. Be specific.



## Local Workforce Development Boards Membership Requirements

Representative of Business	Who May Satisfy the Requirements
(WIOA Section 107(b) (2)(A))	<p><b>The majority</b> of the members of the Local Board must be representatives of business in the local area. At a minimum, <b>two members must represent small business</b> as defined by the U.S. Small Business Administration. Business representatives serving on Local Boards may also serve on the State Board. Each business representative must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• be an owner, chief executive officer, chief operating officer or other individual with optimum policy making and hiring authority;</li> <li>• provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec. 107(b)(2)(A)(ii); and</li> <li>• are appointed from among individuals nominated by local business organizations and business trade associations.</li> </ul>
<b>Representative of Workforce</b>  (WIOA Section 107(b)(2)(B))	<p><b>Not less than 20 percent</b> of the members of the Local Board <b>must</b> be workforce representatives. These representatives:</p> <ul style="list-style-type: none"> <li>• <b>must include two or more representatives of labor organizations</b>, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives; <i>[In North Carolina, such examples include the North Carolina Association of Educators (NCAE) or the State Employees Association of North Carolina (SEANC)].</i></li> <li>• <b>must include one or more representatives of a joint labor management, or union affiliated, registered apprenticeship</b> program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists, and <b>may include:</b></li> </ul> <p>In addition to the representatives enumerated above, the Board <b>may</b> include the following to contribute to the 20 percent requirement:</p> <ul style="list-style-type: none"> <li>• one or more representative of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment,</li> </ul>

	<p>including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and</p> <ul style="list-style-type: none"> <li>• one or more representatives of organizations that demonstrated experience or expertise in addressing the employment, training, or education needs or eligible youth, including representatives of organizations that serve out-of-school youth.</li> </ul>
<p><b>Representatives of Education and Training</b> (WIOA Section 107(b) (2)(C))</p>	<p>The balance of Local Board membership <b>must include</b>:</p> <ul style="list-style-type: none"> <li>• <b>At least one</b> eligible provider administering <b>adult education and literacy</b> activities under WIOA Title II;</li> <li>• <b>At least one</b> representative from an <b>institution of higher education</b> providing workforce investments activities, including community colleges; and</li> <li>• <b>At least one representative</b> from each of the following governmental and economic and community development entities: <ul style="list-style-type: none"> <li>• <b>Economic and community development</b> entities;</li> <li>• The state <b>Employment Service Office</b> under the Wagner-Peyser Act (29 U.S. C. 49 et seq.) serving the local area; and</li> <li>• The programs carried out under Title I of the Rehabilitation Act of 1973, other than Sec. 112 or part C of that title.</li> </ul> </li> </ul> <p>In addition to the representatives enumerated above, the CLEO <b>may</b> appoint other appropriate entities in the local area, including:</p> <ul style="list-style-type: none"> <li>• Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education and training needs for individuals with barriers to employment;</li> <li>• Governmental and economic and community development entities who represent transportation, housing and public assistance programs;</li> <li>• Philanthropic organizations serving the local area; and</li> <li>• Other appropriate individuals as determined by the chief elected official.</li> </ul>

*Source: USDOL Training and Employment Guidance Letter (TEGL) 27-14*

## Memorandum of Understanding Guide

The [local] Workforce Development Board, with the agreement of the Chief Elected Official, shall develop and enter into this Memorandum of Understanding between the [local] Workforce Development Board and the One-Stop Partners under the Workforce Innovation and Opportunity Act (WIOA) P.L. 113-128, concerning the operation of the One-Stop delivery system.

### I. Required Partners WIOA 121 (b)(1)(B) Title I Adult, Dislocated Workers, and Youth

1. Programs authorized under the Wagner-Peyser Act
2. Adult education and literacy activities authorized under title II;
3. Programs authorized under title I of the Rehabilitation Act of 1973
4. Activities authorized under title V of the Older Americans Act of 1965
5. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006
6. Activities authorized under chapter 2 of title II of the Trade Act of 1974
7. Activities authorized under chapter 41 of title 38, United States Code: Job Counseling, Training and Placement Service for Veterans
8. Employment and training activities carried out under the Community Services Block Grant Act
9. Employment and training activities carried out by the Department of Housing and Urban Development;
10. Programs authorized under state unemployment compensation laws
11. Programs authorized under section 212 of the Second Chance Act of 2007; and
12. Programs authorized under part A of title IV of the Social Security Act: Temporary Assistance For Needy Families

### II. Additional Partners

The local Workforce Development Board may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters. With the approval of the [local] Workforce Development Board and Chief Elected Official, the following entities may be additional One-stop partners. *[Please specify any additional partners/programs or delete this section.]*

1. Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act,
2. Employment and training programs carried out by the Small Business Administration,
3. Programs authorized under Section 6(d)(4) of the Food and Nutrition Act of 2008,
4. Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008,
5. Programs carried out under Section 112 of the Rehabilitation Act of 1973,
6. Programs authorized under the National and Community Service Act of 1990,
7. Other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

### III. Roles and Responsibilities WIOA Section 121 (b)(1)(A)

Each required partners of the One-Stop Delivery System shall:

- a.) provide access through the one-stop delivery system, including making the career services (eligibility determination, outreach, initial assessment, labor exchange service, job search, recruitment, referrals, job listings, training provider information, local area performance, supportive service information, financial aid assistance, career planning, financial literacy, and more) that are applicable to the program or activities available at the one-stop centers;
- b.) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers;
- c.) enter into a local Memorandum of Understanding (shown by signature on this document) with the Local Board, relating to the operation of the One-stop system;
- d.) participate in the operation of the One-stop system consistent with the terms of this Memorandum of Understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities.
- e.) use a common one-stop delivery system identifier (in North Carolina this is NCWorks)
- f.) identify strategies to meet the needs of individuals with barriers to employment
- g.) [Additional items here; Example: shared service cost for Center greeter]

### IV. Costs of Services (WIOA Regulations 678.700)

**Note:** The deadline for this portion of the MOU is 1/1/18.

This section must contain effective time period, infrastructure and shared services budget, identify all one-stop partners/CEO/Local Boards participating, and describe the periodic review and reconciliation process to ensure equitable benefit among partners.

- a.) Cash and In-Kind for Ongoing One-Stop Delivery System Operators  
Non-cash contributions must be valued consistent with 2 CFR 200.306 and reconciled regularly.
- b.) Infrastructure Costs One-Stop Centers  
The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration (WIOA Regulations 678.720)
- c.) Non-personnel costs include: Rental of the facilities; Utilities and maintenance; Equipment  
(including assessment-related products and assistive technology for individuals with disabilities); and Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities.

NOTE: The infrastructure funding agreement is a required component of the MOU and not a separate document. The reasonable cost allocation methodology should be provided and consistent with Federal Cost Principles in the Uniform Guidance 2 CFR Part 200.

## V. Methods of Referrals

Methods to methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system.

Partners will utilize methods of referrals of individuals between one-stop operators and one-stop partners for appropriate services and activities.

## VI. Certification and Continuous Improvement

The Parties herein shall comply with established Certification and Continuous Improvement Criteria established by the State board, in consultation with chief elected officials and Local Boards. The objective criteria and procedures for use by Local Boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system.

## VII. Performance and Accountability

Each partner is responsible for ensuring that its legislated programs, services, and activities are provided in the One-Stop Center in accordance with the goals, objectives and performance measures of the Workforce Innovation and Opportunity Act (WIOA) P.L. 113-128 and regulations. Each partner agrees to work to support the achievement of WIOA and One-Stop performance measures.

## VIII. Confidentiality of Information

Exchange of information among partners is encouraged and expected. Exchanged information shall remain private and confidential in accordance with the most restrictive confidentiality requirements of any of the partners collecting, receiving, or sharing information. Each partner agrees to collect and share information necessary to track the performance of the One-Stop Center in accordance with provisions of the Workforce Innovation and Opportunity Act (WIOA) P.L. 113-128 and accompanying regulations.

## IX. Monitoring and Oversight

The Chief Elected Official, the Workforce Development Board, the Division of Workforce Solutions, United States Department of Labor, and local area administrative entity have the right to monitor activities under this MOU to ensure performance goals are being maintained, and that the MOU terms and conditions are being fulfilled. The

partners shall permit on-site visits and reviews by the above mentioned agencies or their designee.

#### X. Disputes

The parties shall first attempt to resolve any disputes informally. Any party shall call a meeting of the partners to discuss and resolve disputes. Should informal resolution efforts fail, the dispute shall be referred to the Chair of the local Workforce Development Board who shall place the dispute upon the agenda of a regular or special meeting of the Board's Executive Committee. The executive committee shall attempt to mediate and resolve the dispute. Finally, if the Executive Committee's resolution efforts fail, any party may file a grievance in accordance with agreed upon WIOA grievance procedures.

#### XI. Duration

This MOU shall remain in effect until terminated by the repeal of the Workforce Innovation and Opportunity Act (WIOA) P.L. 113-128, or otherwise by action of law.

Any party may withdraw from this MOU by giving written notice of intent to withdraw at least 60-calendar days in advance of the effective withdrawal date. Notice of withdrawal shall be given to all parties at the addresses shown within this MOU, and to the contact persons so listed, considering any information updates received by the parties.

Should any One-Stop Partners withdraw, this MOU shall remain in effect with respect to the remaining Partners until a new MOU is executed or the end of the current federal program year (July through June).

The Workforce Development Board reserves the right to terminate the participation of any partner upon 60-days' notice if the partner's actions are inconsistent with the terms and conditions of this memorandum of understanding.

This memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services. [WIOA 121]

#### XII. Modification and Assignment

This MOU may be modified at any time by written agreement of the parties. Assignment of responsibilities under this MOU by any of the parties shall be effective upon written notice to the other parties. Any assignee shall also commit in writing to the terms of this MOU.

Such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

## NC Conflict of Interest General Statute for Reference

### § 14-234. Public officers or employees benefiting from public contracts; exceptions.

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.
- (a1) For purposes of this section:
  - (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
  - (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
  - (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.
  - (4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.
  - (5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.
- (b) Subdivision (a)(1) of this section does not apply to any of the following:
  - (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
  - (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
  - (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.
  - (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and forty thousand dollars (\$40,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the



public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

- (1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.
- (2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6; 2001-409, s. 1; 2001-487, ss. 44(a), 44(b), 45; 2002-159, s. 28; 2006-78, s. 2; 2009-2, s. 2; 2009-226, s. 1; 2010-169, s. 2(a); 2011-145, ss. 13.22A(dd), 13.23(b).)